REMARKS

Claims 8, 10-15 and 17-19 remain pending in the present application. Claims 8 and 15 have been amended and Claim 20 has been cancelled from the present application. The basis for the above amendments may be found throughout the specification, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw his rejections in view of the above amendments and remarks as set forth below.

REJECTIONS UNDER 35 USC §103

Claims 8, 10-15 and 17-20 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,745,569 (Moskowitz) in view of U.S. Patent Nos. 5,949, 885 (Leighton), 6,311,214 (Rhoads) and 6,047,374 (Barton). Applicant respectfully traverses this rejection.

Moskowitz is directed generally to a method for copy protection of computer software. Although Moskowitz generally discloses embedding an encoded code resource (i.e., active hidden data) into a non-executable digital sample, Applicant asserts that Moskowitz does not disclose further embedding control data into the digital sample. In particular, the decoding key discussed in Moskowitz does not appear to be embedded into the non-executable digital sample. Moreover, Moskowitz does not teach or suggest extracting the control data from the digital sample and then using the control data to ensure errorless extractability of active hidden data from the digital sample.

In contrast, Applicant's invention is directed generally to an improved technique for robustly hiding active data into a host data stream. Of interest, Claim 8 recites "extracting the active hidden data and the control data from the embedded data stream on the player device; and using the control data to ensure the errorless extractability of the active hidden data from the embedded data stream" in combination with the other elements recited in the claim. Applicant further asserts that none of the other references teach or suggest using control data to ensure extractability of the active hidden data as recited in Applicant's claimed invention. Therefore, it is respectfully submitted that Claim 8, along with claims depending therefrom, defines patentable subject matter over the relied upon references.

To the extent that the Examiner believes amendments to Claim 8 raise new issues requiring further consideration, Applicant draws the Examiner's attention to pending Claim 12. Claim 12 further defines how error correction data may be used to modify the active hidden data. The Examiner notes that Moskowitz does not explicitly recite error correction data. The Examiner then relies on Barton to teach embedding error correction data into digital data. Applicant notes that in Barton the error correction data is not embedded separately (e.g., orthogonally) from the digital signature. Moreover, the Applicant notes that Barton does not teach or suggest using the error correction data to ensure the errorless extractability of the digital signature. Rather, the error correction data is used to correct errors in the underlying digital data. Therefore,

it is respectfully submitted that Claim 12 also defines patentable subject matter over the relied upon references.

Applicant notes that independent Claim 15 recites similar claim limitations, and thus should be allowable, along with claims depending therefrom, for the same reasons as Claim 8. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

All of the stated grounds for rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and further requests that they be withdrawn. Accordingly, it is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 641-1230.

Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

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ATTACHMENT FOR CLAIM AMENDMENTS

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

8. (Amended) A method for distributing active hidden data in an electronic media distribution system, the media distribution device having a content providing device and at least one player device, comprising the steps of:

providing active hidden data and control data, wherein the active hidden data comprises a set of executable machine instructions and the control data governs the use of the active hidden data;

embedding the active hidden data and the control data into a host data stream to form an embedded data stream, the active hidden data being embedded orthogonal to the control data in the embedded data stream;

transferring the embedded data stream from the content providing device to the player device;

extracting the active hidden data and the control data from the embedded data stream on the player device;

using the control data to ensure the errorless extractability of the active hidden data from the embedded data stream; and

executing the active hidden data on the player device when the active hidden data is extracted without error from the embedded data stream.

15. (Amended) An electronic media distribution system for distributing active hidden data in a host data stream, the media distribution device having a content providing device and at least one player device, the content provider device comprising:

a bit stream generator receiving active hidden data and converting the active hidden data into an active bit stream, wherein the active hidden data comprises a set of executable machine instructions;

a first encoder receiving the active bit stream and the host data stream and embedding the active bit stream into the host data stream, thereby forming an embedded data stream; and

a second encoder receiving control data and the embedded data stream and embedding the control data into the embedded data stream, wherein the control data is used to govern the use of the active hidden data and the control data is orthogonal to the active bit stream in the embedded data stream; and

<u>the at least one player device comprising:</u>

<u>a first decoder receiving the embedded data stream and extracting the control data from the embedded data stream;</u>

<u>a second decoder receiving the embedded data stream from the first decoder and extracting the active bit stream;</u>

a correction module receiving the active bit stream and the control data, and using the control data to ensure errorless extractability of the active bit stream from the embedded data stream; and

an initiator for executing the active bit stream on the player device.